

THE STATE OF MICHIGAN  
THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT

LIESTER BELL IN PRO PER # 476602

PLAINTIFF

- V -

CASE NO.

THE STATE OF MICHIGAN  
THROUGH THE MICHIGAN  
DEPARTMENT OF CORRECTIONS

WARDEN SKIPPER

LIEUTENANT HENRY

CAPTAIN JOHN DOE

INSPECTOR MILLER

INSPECTOR SIMMONS

INSPECTOR BONN

SERGEANT STURN

SERGEANT WISE

SERGEANT SISSEL

SERGEANT CUNNINGHAM

SERGEANT JOYIT

SERGEANT BRECLOVE

SERGEANT JACKSON

CORRECTIONAL OFFICER BROWN

CORRECTIONAL OFFICER FOLTZ

CORRECTIONAL OFFICER GAUDIO

CORRECTIONAL OFFICER KELLY

CORRECTIONAL OFFICER D. WILSON

CORRECTION OFFICER CHANEY

A.R.U.S SMITH

A.R.U.S FRIAS

ARUS PITTMAN

DEFENDANTS

HONORABLE JUDGE

**FILED - KZ**

March 27, 2019 12:14 PM

U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

ilb Scanned by 80/3/21/11

1:19-cv-233

Paul L. Maloney

U.S District Court Judge

Ray Kent

U.S District Court Magistrate Judge

PRISONER'S 42 U.S.C § 1983

CIVIL RIGHTS COMPLAINT FOR

PERSONAL INJURIES AND

VIOLATIONS OF PLAINTIFFS

CONSTITUTIONAL RIGHTS

"THIS IS A 42 U.S.C. § 1983 CIVIL RIGHT PERSONAL INJURY DAMAGE COMPLAINT AGAINST DEFENDANTS FOR VIOLATIONS OF PLAINTIFFS CONSTITUTIONAL RIGHTS DEFENDANTS' HIDING UNDER THE COLOR OF STATE LAW AND WITHIN THE CLOAK OF THEIR AUTHORITY, EITHER BY ACTS OF COMMISSION OR ACTS OF OMISSIONS SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECTED TO THE DEPRIVATION OF RIGHTS, PRIVILEGES OR IMMUNITIES, SECURED BY THE UNITED STATES CONSTITUTION"

JURISDICTION OF THIS  
HONORABLE COURT

PLAINTIFF INVOKES THIS HONORABLE COURT SUPPLEMENTAL ORIGINAL AND EXCLUSIVE AND EQUITABLE JURISDICTION PURSUANT TO 42 U.S.C. § 1985, § 1986, AND § 1983; 28 U.S.C. §§ 1330-1360; 28 U.S.C. § 1346; § 1361, AND § 1334, AND § 1367  
PLAINTIFF ALSO INVOKES THIS HONORABLE COURT'S PENDENT JURISDICTION.

JURY TRIAL DEMANDED

## PARTIES - PLAINTIFF

1. LESTER BELL # 476602- PLAINTIFF IS A STATE PRISONER CONFINED AT THE BROOKS CORRECTIONAL FACILITY, 2500 SO. SHERIDAN ROAD, MUSKEGON, MICHIGAN 49444

## DEFENDANTS

1. THE STATE OF MICHIGAN, THROUGH THE MICHIGAN DEPARTMENT OF CORRECTIONS P.O. BOX 30003, LANSING, MICH. 48909
2. DEPUTY WARDEN SKIPPER, HE IS THE DEPUTY WARDEN AT MICHIGAN REFORMATORY, 1342 WEST MAIN ST, TONIA, MICHIGAN, 48846 HE IS AN AGENT OF DIRECTOR HEIDI WASHINGTON AND RESPONSIBLE FOR THE SUPERVISION AND CONTROL OF SUBORDINATE OFFICERS UNDER HIS COMMAND. HE IS SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
2. INSPECTOR SIMMONS, HE IS AN INSPECTOR AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, TONIA, MICHIGAN 48846. HE IS LIABLE AND RESPONSIBLE TO INVESTIGATE MISCONDUCTS OF OFFICERS AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER, HE IS SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
3. INSPECTOR/ACTING DEPUTY WARDEN MILLER, HE IS THE ACTING DEPUTY WARDEN AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, TONIA, MICHIGAN 48846. HE IS LIABLE AND RESPONSIBLE FOR THE SUPERVISION AND CONTROL HIS SUBORDINATE OFFICER HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.

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4. CAPTAIN JOHN DOE, HE IS A CAPTAIN AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, IONIA, MICHIGAN 48846 ON THE FIRST SHIFT. HE IS LIABLE AND RESPONSIBLE FOR THE SUPERVISION AND CONTROL OF HIS SUBORDINATE OFFICERS UNDER HIS COMMAND. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
5. INSPECTOR BONN, HE IS THE INSPECTOR AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, IONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE INVESTIGATION OF MISCONDUCTS BY OFFICERS AT THE FACILITY, HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, PERSONAL AND INDIVIDUAL CAPACITY.
6. LIEUTENANT HENRY, HE IS A LIEUTENANT AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, IONIA, MICHIGAN 48846. HE IS LIABLE AND RESPONSIBLE FOR THE SUPERVISION, CONTROL AND TRAINING OF HIS SUBORDINATE OFFICERS. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
7. SERGEANT WISE, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, IONIA, MICHIGAN 48846, HE IS RESPONSIBLE AND LIABLE FOR THE SUPERVISION AND CONTROL OF HIS SUBORDINATE OFFICERS, HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.



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8. SERGEANT STURN, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN 48846, HE IS RESPONSIBLE AND LIABLE FOR THE SUPERVISION AND CONTROL OF HIS SUBORDINATE OFFICERS. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS PERSONAL, INDIVIDUAL AND PERSONAL CAPACITY.
9. SERGEANT SISSER, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN 48846, HE IS RESPONSIBLE AND LIABLE FOR THE SUPERVISION AND CONTROL OF HIS SUBORDINATE OFFICERS. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
10. SERGEANT CUNNINGHAM, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN, 48846, HE IS LIABLE AND RESPONSIBLE FOR THE CONTROL AND SUPERVISION OF HIS SUBORDINATE OFFICERS, HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, PERSONAL AND INDIVIDUAL CAPACITY.
11. SERGEANT BEELOVE, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST., IONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE CONTROL AND SUPERVISION OF HIS SUBORDINATE OFFICERS. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.

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12. SERGEANT JOYIT, HE IS A SERGEANT AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, TONIA, MICHIGAN 48846, HE IS RESPONSIBLE AND LIABLE FOR THE SUPERVISION AND CONTROL OF HIS SUBORDINATE OFFICERS. HE IS AN AGENT OF WARDEN SKIPPER AND SUEO IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
13. CORRECTIONAL OFFICER L. BROWN, HE IS A C/O AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, TONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER AND SUEO IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
14. CORRECTIONAL OFFICER FOLTZ, HE IS A C/O AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST, TONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER AND SUEO IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
15. CORRECTIONAL OFFICER GAUDIO, HE IS A C/O AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, TONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER AND SUEO IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.

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16. CORRECTIONAL OFFICER KELLY, HE IS A C/O AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, TONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
17. CORRECTIONAL OFFICER CHANEY, HE IS A C/O AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, TONIA, MICHIGAN 48846 HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS ALSO LIABLE AND RESPONSIBLE FOR HIS DOUBLE ROLE AS THE HEARING INVESTIGATOR TO ASSURE THAT INMATES DUE PROCESS AND EQUAL PROTECTION OF THE LAW ARE MAINTAINED. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.
18. CORRECTIONAL OFFICER DARIUS WILSON, HE IS A C/O AT THE MICHIGAN REFORMATORY 1342 WEST MAIN ST, TONIA, MICHIGAN 48846. HE IS LIABLE AND RESPONSIBLE FOR THE SAFETY OF INMATES AT THE FACILITY. HE IS AN AGENT OF WARDEN SKIPPER AND SUED IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY.

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19. A.R.U.S. SMITH, HE IS A ARUS AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN 48846, HE IS LIABLE AND RESPONSIBLE FOR THE SUPERVISION OF OFFICIALS IN THE HOUSING UNIT AND RESPONSIBLE FOR THE SAFETY OF INMATES IN THE UNIT. HE IS AN AGENT OF WARREN SKIPPER AND SUEO IN HIS OFFICIAL, INDIVIDUAL AND PERSONAL CAPACITY
20. A.R.U.S. FRIAS, HE IS A A.R.U.S IN THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN 48846 HE IS LIABLE AND RESPONSIBLE FOR THE SUPERVISION OF OFFICERS IN THE HOUSING UNIT AND RESPONSIBLE FOR THE SAFETY OF INMATES IN THE UNIT. HE IS AN AGENT OF WARREN SKIPPER AND SUEO IN HIS INDIVIDUAL, PERSONAL AND OFFICIAL CAPACITY
21. ARU.S. PITMAN, HE IS A A.R.U.S AT THE MICHIGAN REFORMATORY, 1342 WEST MAIN ST., IONIA, MICHIGAN 48846, HE IS LIABLE FOR THE SUPERVISION OF OFFICERS IN THE HOUSING UNIT AND RESPONSIBLE FOR THE SAFETY OF INMATES IN THE UNIT, HE IS AN AGENT OF WARREN SKIPPER AND SUEO IN HIS INDIVIDUAL, OFFICIAL AND PERSONAL CAPACITY.



## STATEMENT OF FACTS

1. PLAINTIFF, LESTER BELL #476602, FILE A 42 U.S.C. § 1983 CIVIL COMPLAINT, CASE NO. 1:18-CV-00522-PLM-PJG, ON 3-10-2018, WHICH CONTAINED EXHAUSTED<sup>①</sup> AND UNEXHAUSTED ADMINISTRATIVE REMEDIES,<sup>①</sup>
2. HONORABLE PAUL L. MAHONEY, ENTERED A COURT ORDER, DKT. NO. 14, DISMISSING VARIOUS DEFENDANTS FOR FAILURE TO STATE A VIABLE CLAIM AGAINST THEM WITHOUT PREJUDICE,
3. HONORABLE PAUL T. MAHONEY, ENTERED ANOTHER JUDGMENT AND ORDER ON 1-14-19, ADOPTING THE REPORT AND RECOMMENDATION DKT. NO. 29, DISMISSING DEFENDANTS, BROWN AND WILSON WITHOUT PREJUDICE,
4. ANOTHER COURT ORDER WAS ENTERED ON JULY 12, 2018, DKT. NO. 8, DISMISSING DEFENDANTS SIMONS, MILLER AND WARDEN SKIPPER WITH PREJUDICE,
5. PLAINTIFF HAVE RECEIVED THOSE THIRD STEPS GRIEVANCES RESPONSES ON THOSE ABOVE NAMED DEFENDANTS WITH OTHER FACTUAL SUPPORTS FOR ALL OF THOSE NECESSARY AND INDISPENSIBLE DEFENDANTS, SIMONS, MILLER AND WARDEN SKIPPER,

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6. PLAINTIFF WAS PAROLED FROM CARSON CITY ON MAY, 2017 AND WENT TO TAYLOR, MICHIGAN, 48186 AND WAS RETURNED BACK TO THE RECEPTION AND GUIDANCE CENTER FOR PAROLE VIOLATIONS.
7. AFTER BEING FOUND GUILTY AT REVOCATION HEARING, PLAINTIFF WAS TRANSFERRED BACK TO MICHIGAN REFORMATORY ON APRIL 30, 2018 AND WENT DIRECTLY TO SEGREGATION AFTER THE INITIAL CONFRONTATION WITH A.D.W. MILLER.
8. PLAINTIFF SPOKE DIRECTLY WITH A.D.W. MILLER THAT PLAINTIFF FELT THREATENED BY PREVIOUSLY BEING EXPOSED TO OFFICER BROWN AND THAT PLAINTIFF WAS IN FEAR OF RETALIATION AND ADDITIONAL ASSAULTS.
9. PLAINTIFF EXPLAINED TO A.D.W. MILLER ABOUT THOSE OTHER ASSAULTS WHICH RESULTED IN PLAINTIFF'S JAW BEING BROKE AND ABOUT THE STABBING.
10. PLAINTIFF THOROUGHLY EXPLAINED TO A.D.W. MILLER, ABOUT THOSE PREVIOUS ASSAULTS WHICH WAS ARRANGED BY OFFICER BROWN AND THAT PLAINTIFF WANTED PROTECTIVE CUSTODY.
11. A.D.W. MILLER STATED THAT HE DID NOT BELIEVE THOSE MISCONDUCTS BY HIS



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OFFICER BROWN, AND EVEN IF PLAINTIFF'S ALLEGATIONS WAS TRUE, HIS JOB WAS TO PROTECT HIS OFFICER AND DENIED PLAINTIFF PROTECTIVE CUSTODY AND SAID, 'I AM PUTTING YOU BACK IN GENERAL POPULATION AND GOOD LUCK.'

12. PLAINTIFF REFUSED TO GO BACK INTO GENERAL POPULATION AND WAS PLACED IN SEGREGATION, IN THE HOLE, AND RECEIVED A 'MISCONDUCT TICKET FOR DISOBEYING A DIRECT ORDER, A D.O.O. FOR REFUSAL,
13. WHILE WAITING TO BE HEARD ON THE D.O.O, PLAINTIFF WAS COMING BACK FROM A VISIT AND WAS CONFRONTED BY OFFICER BROWN WHO SAID, "HOW IS YOUR JAW, YOU KNOW WHAT YOU GOT COMING WHEN YOU LEAVE SEGREGATION."  
GRIEVANCE NO. R.M.I.-1805-0906-262,
14. PLAINTIFF WAS INTERVIEWED BY SERGEANT STURM ON THE GRIEVANCE, PLAINTIFF ASKED OFFICIALS TO REVIEW THE CAMERA FOOTAGE BUT OFFICIALS REFUSED TO CONDUCT AN INVESTIGATION INTO THOSE THREATS,
15. PLAINTIFF CONTINUOUSLY ASKED FOR PROTECTIVE CUSTODY TO P.C. HOWCK, SGT. STURM BUT OFFICIALS DISPLAYED THEIR



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DERELICTION, MALFEASANCE, MISFEASANCE, NONFEASANCE AND NEGLIGENCE OF THEIR DUTIES TO PROTECT PLAINTIFF,

16. SGT. STURM TOLD PLAINTIFF, 'YOU KNOW THAT YOU ARE FUCKED, DON'T YOU.' R.M.I-1806-1096-172, EXHIBIT 3, APPENDIX B ALSO, EXHIBIT 1, 2 AND 3.
17. SEE PLAINTIFF'S STATEMENT OF FACTS AFFIDAVIT, APPENDIX A, EXHIBIT 1. OFFICIALS WAS PERSONALLY INFORMED OF OFFICER BROWN'S MISCONDUCT BUT FAILED TO INVESTIGATE, PROTECT OR CONTROL THEIR SUBORDINATE OFFICERS
18. SGT. STURM SAID: 'YOU SHOULDN'T HAVE EVER FUCKED WITH US. YOU ARE JUST MAKING THINGS WORSE WITH YOUR GRIEVANCES WE WILL KEEP FUCKING YOU OVER UNTIL WE FEEL YOU'VE LEARNED YOUR LESSONS. R.M.I OPERATES LIKE THIS, WE FIND A WAY TO WRITE YOU UP NO MATTER IF WE HAVE TO LIE OR SET YOU UP. CHANEY THE H.I. WILL PLAY LIKE HE IS WORKING FOR YOU BUT HE REALLY CONTROLS THE HEARING OUTCOME BY LYING TO THE H.O. WE CONTROL EVERYTHING. CHANEY MAKES SURE NO ONE IS INNOCENT.'
19. SGT. SISSELL RESPONDED TO PLAINTIFF'S FIRST STEP GRIEVANCE, R.M.I-1806-1096-172 EXHIBIT 3, APPENDIX B. CONDONING.



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PARTICIPATING AND CONCEALING OFFICER BROWN'S MISCONDUCTS AND FAILED TO PROPERLY SUPERVISE THEIR SUBORDINATE OFFICER,

20. PLAINTIFF SEEN SECURITY CLASSIFICATION SCREENING ON THAT MISCONDUCT TICKET FOR D.D.O. WHEN PLAINTIFF REFUSED TO RETURN TO GENERAL POPULATION,
21. OFFICIALS AT S.C.C.'S COMMITTEE INTERVIEWED PLAINTIFFS REFUSAL TO RETURN TO GENERAL POPULATION TO DETERMINE IF PLAINTIFF HAVE A VALID REASON FOR REFUSAL TO RETURN BACK TO GENERAL POPULATION,
22. PLAINTIFF TOLD DEFENDANTS, MILLER, INSPECTOR BONN, D.C. HANCOCK, ABOUT THOSE PREVIOUS ASSAULTS, ABOUT OFFICER BROWN'S RETALIATION AND VERBAL THREATS, NAMES AND DATES OF PRIOR ASSAULTS AND THAT PLAINTIFF FEARED FOR HIS PERSONAL SAFETY
23. PLAINTIFF WAS TOLD BY OFFICIAL MILLER THAT PLAINTIFF HAD TWO CHOICES; (1) "EITHER GO BACK OUT IN G.P. AND DEALS WITH MY CONSEQUENCES" OR (2) "THEY WILL KEEP WRITING TICKETS, COLLECTING POINTS AND BE HOUSED IN LEVEL 5 AND LOSE YOUR

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### CHANCES OF GETTING A PAROLE.

24. IN FEAR OF NOT GETTING A PAROLE, AND LOSING ANY CHANCE OF GETTING FREEDOM, PLAINTIFF WAS FORCED TO RETURN BACK TO GENERAL POPULATION.
25. PLAINTIFF LEFT SEGREGATION AND WAS ASSIGNED TO UNIT J-2. PLAINTIFF HAD A LADY FRIEND, DANIEL GILLIAM, GO TO THE IOWA STATE POLICE TO FILE A COMPLAINT STATING THAT PLAINTIFF FELT THREATENED ABOUT BEING ASSAULT AGAIN.
26. SHE WENT TO THE STATE POLICE ON 6-4-18; AND CALLED SEVERAL TIMES VOICING COMPLAINTS ABOUT HOW PLAINTIFF FELT THREATENED. SHE TALKED TO DETECTIVE RAY SOWA ON 6-6-18, AND FILED A COMPLAINT AGAINST OFFICERS, MILLER, BROWN AND GAUDIO.
27. SEVERAL OTHER FRIENDS, REBECCA BEARD, AND LETTERS FROM PLAINTIFF WAS SENT TO THE IOWA STATE POLICE, BUT PLAINTIFFS COMPLAINTS WAS NOT ANSWERED BY THE STATE POLICE,
28. DUE TO RETALIATION, PLAINTIFF WAS PUNISHED AND SENT BACK INTO THE HOLE FOR SUPPOSIVELY SMUGGLING THAT WAS FABRICATED IN A LETTER

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THAT WAS SENT TO A FRIEND,

29. ON 5-31-18, OFFICER GAUDIO, SEXUALLY HARASS PLAINTIFF AND MADE VERBAL THREATS, AND SAID, "ABOUT TIME R.M.I. (MICH. REFORMATORY INSTITUTION) WAS DONE FUCKING ME, MY ANAL WILL BE BLEEDING." HE THEN DEMONSTRATED HOW THEY WAS GOING TO FUCK ME BY DANCING SEXUALLY IN FRONT OF PLAINTIFFS CELL
30. PLAINTIFF REQUESTED CAMERA FOOTAGE IN AN GRIEVANCE TO SUBSTANTIATE HOW OFFICER GAUDIO MADE THOSE SEXUALLY JESTERS' PLAINTIFF FILED A SEXUALLY HARASSMENT COMPLAINT WITH P.R.E.A. PRISONER RAPE ELIMINATION ACT, SEE APPENDIX C, EXHIBIT II.
31. ON 6-1-18, C/O GAUDIO WAS CAUGHT ON VIDEO AGAIN MAKING SEXUALLY JESTERS TO PLAINTIFF, AND THIS TIME HE STATED BY MOVING HIS HIPS BACKWARDS AND FORWARDS AS IF HE WAS FUCKING. HE THEN SAID, "I AM GOING TO KNOCK YOU OUT, AND PUT ME ON HIS SEX SWING" AND THEN VERBALLY AND PHYSICALLY DESCRIBED HOW HE WAS GOING TO FUCK ME ON HIS SEX SWING,
32. THEN ON 6-6-18 AND 6-7-18, C/O GAUDIO STATED THAT INSPECTOR SIMONS INFORMED HIM ABOUT THE P.R.E.A. INVESTIGATION THAT PLAINTIFF HAD FILED ON C/O GAUDIO,



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AND SAID, "THAT THEY HAD SOMETHING FOR ME WHERE PLAINTIFF WAS RELEASED FROM SEGREGATION THAT WILL BE WORSE THAN THE LAST TWO ASSAULTS," SEE APPENDIX C, EXHIBIT 11.

33. PLAINTIFF WAS CALLED OUT BY INSPECTOR SIMONS, ON 6-6-18, FOR P.R.E.A. COMPLAINT AND INVESTIGATION ON 40 GAUDIO, AND PLAINTIFF INFORMED INSPECTOR SIMONS, THAT PLAINTIFF FEARED FOR HIS HEALTH, SAFETY AND LIFE.
34. PLAINTIFF REMINDED INSPECTOR SIMONS OF ALL BOTH PREVIOUS ASSAULTS AND OF THOSE NUMEROUS OF THREATS BY OFFICERS AND HE SAID, 'I WILL GET WHAT I GOT COMING SOON ENOUGH, GRIEVANCES WON'T HELP YOU.' THEN HE SAID, 'TO ME, YOU ARE A DEAD MAN.'
35. THEN HE SAID, "HE WILL SURE THAT I GO TO DWYNE WATERS HOSPITAL OR TO LEVEL 5." AND HE SAID, 'I AM NOT GIVING YOU PROTECTIVE CUSTODY AND STOP ASKING.' R.M.I-1806-1159-262, GRIEVANCE FILED ON THAT INCIDENT.
36. WHILE STILL WAITING TO BE INTERVIEW ON MISCONDUCT TICKET, 40 WILSON, STOPPED IN FRONT OF PLAINTIFF'S CELL AND SAID, 'THAT ME AND 40 BROWN ARE GOING TO SEND THEIR BUDDIES TO FINISH ME OFF.'



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37. HE ALSO SAID, "THIS TIME, A BROKEN JAW WILL FEEL LIKE NOTHING COMPARED TO WHAT IS COMING NEXT," SEE APPENDIX B, EXHIBIT 4, R.M.I 18-06-1143-26I
38. ON OR ABOUT, 6-7-18, PLAINTIFF SEEN THE SAME OFFICIALS AT THE S.C.C. HEARING, A.D.W. MILLER, INSPECTOR BONN AND D.C HANCOCK. PLAINTIFF VOICED HIS PERSONAL CONCERNS ABOUT BEING IN DANGER OF RETALIATION; ABOUT PLAINTIFF'S BROKEN JAW, AND EXPRESSED THE SERIOUS NATURE OF THOSE THREATS,
39. PLAINTIFF CONTINUED TO GIVE OFFICIALS FACTUAL INFORMATIONS, E.G. DATES, TIMES, OFFICERS' NAMES TO SUBSTANTIATE THE REALITY OF THE SERIOUS CONSEQUENCES IF OFFICIALS DID NOT PROTECT PLAINTIFF,
40. A.D.W. MILLER RESPONDED, "I DO NOT CARE AND I DON'T BELIEVE THAT NONE OF THAT SHIT THAT COMES OUT OF YOUR MOUTH IS TRUE." HE CONTINUED "IF I DON'T STOP WRITING GRIEVANCES AND THE INVESTIGATION, YOU WON'T BE THE FIRST PERSON TO DIE AT R.I."
41. ON THREE DIFFERENT OCCASIONS, 6-5-18, 6-6-18 AND 6-21-18; PLAINTIFF SENT KITES TO PSYCHOLOGIST VANTOFF, EXPLAINING TO HIM OF THOSE THREATS MADE BY C/O SIMONS, INSPECTOR SIMONS, A.D.W. MILLER, C/O BROWN, C/O WILSON AND SEVERAL

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OFFICERS WHO MADE VERBAL AND PHYSICAL SEXUAL TESTERS AND THREATS,

42. PLAINTIFF ALSO INFORMED PSYCHOLOGIST HOW THOSE SUPERVISORY OFFICIALS HAD SHOWN DELIBERATE INDIFFERENCE, MALFEASANCE, NONFEASANCE AND MISFEASANCE OF THEIR FIDUCIARY DUTY TO PLAINTIFF TO SUPERVISE AND CONTROL THEIR SUBORDINATE OFFICERS,
43. THEN PSYCHOLOGIST VANTOFF, RESPONDED TO PLAINTIFF IN A KITE STATING THAT HE TALKED TO INSPECTOR SIMONS PERSONALLY AND FORWARDED ALL RELEVANT DOCUMENTS TO INSPECTOR SIMMONS. APPENDIX C, EXHIBITS 2-3 & 4
44. PSYCHOLOGIST VANTOFF STATED THAT A.D.W. MILLER AND INSPECTOR SIMONS REFUSED TO ASSIST WITH PLAINTIFF'S CONCERNS THOSE ACTS OF MISCONDUCTS OF OFFICERS AND FAILED TO RENDER ANY PROTECTION TO PLAINTIFF AS IF TO CONDONE, PARTICIPATE IN AND CONSPIRE WITH OFFICERS,
45. OFFICIALS BECAME AWARE OF THOSE FACTUAL ALLEGATIONS AND THEN FAILED TO SEND PLAINTIFF'S COPIES OF MENTAL HEALTH KITES TO PSYCHOLOGIST VANTOFF AS TO CONCEAL THE FACT THAT PLAINTIFF SENT REQUESTS FOR ASSISTANCE,

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46. BEING DENIED KITE RESPONSES, PSYCHOLOGIST HAD TO PERSONALLY CALLED OUT PLAINTIFF TO GIVE PLAINTIFF THOSE MENTAL HEALTH RESPONSES BECAUSE OTHER OFFICIALS HAD REFUSED TO GIVE PLAINTIFF MENTAL HEALTH KITE'S RESPONSES.
47. HE SAID, 'KEEP DOING YOUR BEST TO GET PROTECTION TO PROTECT YOURSELF, AND IF ANYTHING DOES HAPPEN, THAT HE WOULD BE MORE THAN HAPPY TO TELL THE TRUTH IF I NEEDED HIM BECAUSE HE FELT THAT WHAT OFFICIALS WAS DOING WAS NOT RIGHT.'
48. SHORTLY THEREAFTER, PLAINTIFF OVERHEARD OFFICER GAUDIO SAY ANOTHER INMATE, RICHARDSON, TO ASSAULT PLAINTIFF AFTER PLAINTIFF LEFT THE SHOWER, C/O GAUDIO PAID RICHARDSON AN EXTRA RAMADON BAG AND RICHARDSON WAS NOT EVEN PARTICIPATING IN RAMADON'S FASTINGS,
49. ON 6-12-18, C/O BROWN CAME TO SEGREGATION ON THE FIRST SHIFT, AND WHILE PASSING PLAINTIFF'S CELL, HE SAID "GETTING C/O GAUDIO IN TROUBLE WAS THE WRONG MOVE AND I GOT SOMETHING FOR YOU WHEN YOU LEAVE SEGREGATION,"
50. PLAINTIFF TALKED TO LT. HENRY ABOUT THE P.R.E.A. COMPLAINT AGAINST C/O GAUDIO. HE SAID, "WHATEVER YOU DID,

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"YOU FUCKED UP." AND THEN SAID THAT HE WAS NOT GOING TO ASSIST, HE SAID, "YOU MADE YOUR BED, NOW LIE IN IT."

51. PLAINTIFF EXPRESSED TO LT. HENRY THE SERIOUSNESS OF HOW PLAINTIFF'S HEALTH AND SAFETY WAS IN DIRE JEOPARDY OF FUTURE HARM.
52. PLAINTIFF LEFT SEGREGATION AND WENT TO UNIT #4, AND UPON ARRIVAL, PLAINTIFF THEN DISCOVERED THAT OFFICER WILSON WAS THE ASSIGNED OFFICER TO THAT UNIT, HE WAS THE SAME OFFICER THAT INITIATE THE PREVIOUS ASSAULT WHEN PLAINTIFF'S JAW WAS BROKEN.
53. PLAINTIFF IMMEDIATELY SPOKE WITH SEVERAL OFFICIALS, A.R.U.S SMITH, C/O FOLTZ, ARUS FRIAS, CAPTAIN JOHN DOE, SGT. BEELOVE, AND WARDEN SKIPPER, ABOUT BEING IN FEAR OF RETALIATION, HARASSMENTS, VERBAL THREATS, AND SEXUAL HARASSMENT.
54. A.R.U.S. SMITH RESPONDED, 'I WILL TEACH YOU A LESSON ABOUT FUCKING WITH MY STAFF,' PLAINTIFF TRIED TO EXPLAIN THAT DUE TO PLAINTIFF'S SPECIAL ACCOMMODATION NOTICE, S.A.N. WHICH PROHIBITED PLAINTIFF FROM BEING ON THE FOURTH FLOOR WITH A S.A.N. WHICH STATED "GROUND FLOOR." APPENDIX A, EXHIBITS 2, 3 AND 4.



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55. PLAINTIFF TRIED TO EXPLAIN TO A.R.U.S. SMITH THAT PLAINTIFF HAD A 'HEAT RELATED ILLNESS DUE TO PLAINTIFF ASTHMA, BREATHING PROBLEMS. HE SAID, 'I DO NOT CARE, YOU ARE NOT LEAVING HIS FLOOR UNTIL WE ARE FINISH WITH YOU.'
56. C/O FOLTZ BEGAN TO STOP PLAINTIFF AND MADE SEVERAL VERBAL THREATS ON BEHALF OF C/O BROWN AND C/O GAUDIO AS TO CONDONE, PARTICIPATE IN AND CONSPIRED IN CONCERT TO RETALIATE, APPENDIX B, EXHIBIT 7.R.M.I 1808-1942-28E
57. C/O FOLTZ ALSO MADE SEXUAL THREATS TO ASSAULT PLAINTIFF PHYSICALLY AND SEXUALLY AND SAID, 'I WILL HOLD YOU DOWN WHILE C/O BROWN AND C/O GAUDIO TAKE TURNS FUCKING YOU IN YOUR ANAL' APPENDIX C, EXHIBIT 9 AND 10, P.R.E.A. (PRISONER RAPE ELIMINATION ACT)
58. PLAINTIFF SENT ANOTHER LETTER TO THE MICHIGAN STATE POLICE DEPARTMENT BUT AGAIN, PLAINTIFF WAS DENIED ASSISTANCE FROM LEGAL AUTHORITIES TO HELP PROTECT PLAINTIFF'S HEALTH AND SAFETY.
59. PLAINTIFF WAS AGAIN SUMMONED BY SGT. JOYIT REGARDING P.R.E.A. INVESTIGATION ON OFFICERS, FOLTZ, BROWN AND WILSON, BUT LIED ON RESPONSES AS TO CONDONE, PROTECT AND CONSPIRE WITH HIS

## STATEMENT OF FACTS

- SUBORDINATE OFFICERS, AS IF PLAINTIFF WAS FABRICATING THOSE FACTUAL ASSAULTS,
60. PLAINTIFF ALSO EXPRESSED SPECIFIC FACTS OF ALL THOSE PREVIOUS, VERBAL THREATS, SEXUAL HARASSMENTS AND PHYSICAL ASSAULTS AND ASKED FOR PROTECTIVE CUSTODY, BUT SGT. JOYIT ONLY LAUGHED AT PLAINTIFF AND SAID, 'THAT BEFORE THE INK DRIES, ON YOUR COMPLAINT, YOU WILL BE IN THE HOSPITAL,'
61. WARDEN SKIPPER, CAPTAIN JOHN DOE, INSPECTOR MILLER, INSPECTOR SIMMONS, INSPECTOR BONN, SGT. STURN, SGT. WISE, SGT. SISSEL, SGT. CUNNINGHAM, SGT. BRELOVE, SGT. JACKSON, A.R.U.S SMITH, ARUS PITTMAN, LT. HENRY, SGT. JOYIT KNEW OF AN "ACCUMULATION OF INCIDENTS, CAUSATION AND PERSONAL INVOLVEMENT."
62. THEIR CULPABLE FAILURES TO DO SO AND MADE NO REASONABLE ATTEMPT TO REMEDY THE MISCONDUCTS OF OFFICERS, BROWN, CAUDIO, FOLTZ, WILSON, KELLY AND CHANEY, WHICH WAS REASONABLE FORESEEABLE OR REASON TO ANTICIPATE THOSE SERIES OF ASSAULTS WHICH WAS CLOSELY RELATED IN TIME OR BY SYSTEMATIC DEFICIENCIES IN THEIR RESPONSES TO NUMEROUS OF GRIEVANCES AND PERSONAL COMMUNICATION WITH PLAINTIFF,

## STATEMENT OF FACTS

63. THOSE SUPERVISORY OFFICIALS DEMONSTRATED SHAMEFUL AND UTTERLY UNPROFESSIONAL BEHAVIORS AND RESPONSES TO THOSE COMPLAINTS OF (1) INCESSANT TAUNTING; (2) SEXUAL HARASSMENTS (3) RETALIATION (4) KNEW OF OFFICERS' BAD MOTIVES AND ATTITUDES WHICH WAS MALICIOUSLY MOTIVATED BY 'ILL-WILL AND RETALIATION.'
64. THOSE SUPERVISORY OFFICIALS, DEFENDANTS ARE STRICTLY LIABLE FOR THE ACTIONS OF THOSE CORRECTIONAL OFFICERS (1) FOR SETTING IN MOTIONS OF A SERIES OF ACTS OF O/C, BROWN, FOLTZ, GAUDIO, WILSON, KELLY, CHANEY AND (2) KNOWINGLY REFUSED TO TERMINATE A SERIES OF ACTS BY THOSE OFFICERS WHICH THEY REASONABLY KNEW OR SHOULD HAVE KNOWN COULD CAUSE PLAINTIFF TO BE INFLICTED CONSTITUTIONAL INJURIES; (3) FORCULPABLE ACTIONS OR INACTIONS IN THEIR TRAINING, SUPERVISION, AND CONTROL; (4) FOR ACQUIESCENCE IN THE CONSTITUTIONAL DEPRIVATION BY THOSE OFFICERS, AND (5) FOR CONDUCT THAT SHOWED A 'RECKLESS AND CALLOUS DELIBERATE INDIFFERENCE" TO PLAINTIFFS RIGHTS,
65. PLAINTIFF STARTED SEARCHING FOR OUTSIDE ASSISTANCE BY (1) WRITING OMBUDSMAN, (2) INTERNAL AFFAIRS; (3) STATE POLICE; (4) AND TO ATTORNEY GENERAL. APPENDIX A, EXHIBIT 5, LETTER SENT TO THOSE PARTIES.
66. ON 6-25-18, PLAINTIFF STOPPED AND PERSONALLY SPOKE WITH FIRST SHIFT CAPTAIN, JOHN DOE, IN THE CHOW HALL, AND ASKED FOR PROTECTION AND HE PULLED OUT HIS NOTE PAD AND TOOK

STATEMENT OF FACTS

DOWN PLAINTIFF'S STATEMENT. PLAINTIFF EXPRESSED HIS CONCERNS ABOUT THOSE SERIOUS THREATS FROM OFFICERS AND EXPLAINED HOW PLAINTIFF HAD PREVIOUSLY BEEN INJURED AND ASSAULTED

67. THE CAPTAIN SAID 'IF YOU GIVE ME A PRISONER'S NAME THAT HE COULD HELP,' BUT CONTINUED 'I CANNOT HELP YOU IF IT IS AGAINST MY STAFF,' THEN DENIED PLAINTIFF'S REQUESTS FOR PROTECTIVE CUSTODY

68. ON 6-26-18, C/O WILSON WALKED PAST PLAINTIFF'S CELL, SEVERAL TIMES STATING 'YOU ARE A DEAD MAN,' R.M.I. 18-08-1940-28E  
APPENDIX B, EXHIBIT 9

69. WHILE PLAINTIFF WAS TAKING A SHOWER, ON 6-26-18, C/O WILSON CAME INSIDE THE UNIT, BY THE SHOWERS AND BECAME TALKING TO A MEMBER OF THE 'VICE LORD GANG,' AND THEY TALKED ABOUT SEVERAL PAST ASSAULTS, WHICH WAS OVERHEARD BY PLAINTIFF,

70. THEY SPOKE WITH PHYSICAL GESTURES AND LAUGH ABOUT THOSE ASSAULTS AND HOW THOSE ASSAULTS TOOK PLACE, THEN C/O WILSON TOLD THE GANG MEMBER, 'THAT PLAINTIFF NEEDED TO BE TAKEN CARE OF,

71. THEN C/O WILSON PROMISED TO COMPENSATE THE GANG MEMBER IF HE TOOK CARE OF THAT PERSONAL VENDETTA THAT C/O WILSON HAD AGAINST PLAINTIFF,



## STATEMENT OF FACTS

72. LATER THAT DAY ON 6-26-18, C/O FOLTZ CALLED PLAINTIFF FROM THE YARD, THEN THREATENED PLAINTIFF BY STATING, "I AM GOING TO TAKE YOUR YARD, AND DO WHAT I WANT, EVEN IF I HAVE TO PLANT SOMETHING IN YOUR ROOM."
73. THE NEXT DAY, 6-27-18, PLAINTIFF WAS CALLED TO THE CONTROL CENTER FOR A TELECONFERENCE WITH PLAINTIFF'S ATTORNEY, GARY KASENOW, WHILE WAITING FOR ATTORNEY'S CALL, PLAINTIFF SPOKE WITH WARDEN SKIPPER,
74. AFTER DISCUSSING A FULL DETAILED HISTORY OF PAST SERIOUS ASSAULTS AND THREATS, UP UNTIL THE PRESENT THREATS, AND A LIST OF ALL OF THE STAFF MEMBERS PERSONALLY INVOLVED, WARDEN SKIPPER SAID, "I CAN MOVE YOU OFF OF THE FLOOR, BUT HE CANNOT PROTECT YOU AGAINST MY STAFF,"
75. WARDEN SKIPPER THEN SUMMONED SGT. BREELOVE, WARDEN SKIPPER TOLD SGT. BREELOVE, "UNDER NO CIRCUMSTANCES WAS PLAINTIFF TO RETURN TO I-4."
76. AFTER TELECONFERENCE, PLAINTIFF SPOKE WITH SGT. SISSER, AND INFORMED SGT. SISSER THAT PLAINTIFF'S LIFE WAS IN GREAT DANGER OF BODILY HARM AND THAT WARDEN SKIPPER GAVE SGT. BREELOVE, A ORDER TO MOVE PLAINTIFF,
77. SGT. SISSER REPLIED, "I CONTACTED SGT. BREELOVE," VIA RADIO, AND SGT. BREELOVE SAID TO SEND PLAINTIFF BACK TO UNIT I-4, AND PLAINTIFF WAS SENT BACK DISREGARDING ORDER OF WARDEN SKIPPER,

## STATEMENT OF FACTS

78. AFTER RETURNING BACK TO UNIT I-4, PLAINTIFF WAS CALLED OUT BY C/O WILSON REGARDING A MAIL REJECTION. C/O WILSON TRIED TO FORCE PLAINTIFF TO SIGN PAPERWORK THAT CONTAINED AN UNKNOWN SUBSTANCE, APPENDIX B, EXHIBIT 9
79. PLAINTIFF TOLD C/O WILSON, 'THAT PLAINTIFF WANTED TO SPEAK WITH A SERGEANT, AND C/O WILSON REPLIED, "YOU WON'T BE HERE VERY LONG. YOU CAN TALK TO A SERGEANT AT THE HOSPITAL"
80. ON 6-28-18, AFTER BREAKFAST, AGAIN PLAINTIFF, WHILE RETURNING TO THE UNIT, SPOKE WITH SGT, BREELOVE, AND FIRST SHIFT CAPTAIN, JOHN DOE, TOGETHER, AND INFORMED CAPTAIN OF THAT THOSE ORDERS GIVEN TO SGT, BREELOVE BY WARDEN SKIPPED TO IMMEDIATELY MOVED PLAINTIFF OFF OF UNIT I-4.
81. PLAINTIFF, AGAIN ASKED THEM BOTH FOR PROTECTIVE CUSTODY AND EXPRESSED PLAINTIFF'S FEAR OF RETURNING BACK TO UNIT I-4, THEY BOTH SAID 'YOU DO NOT GET SPECIAL ACCOMMODATIONS WHEN YOU FUCK WITH STAFF."
82. LATER THAT MORNING, PLAINTIFF WAS CALLED OUT BY P.R.E.A'S COORDINATOR, KASSEL, FOR A P.R.E.A. INVOLVING C/O, BROWN, FOLTZ, AND WILSON. PLAINTIFF ALSO EXPLAINED TO MR. KASSEL, ABOUT PREVIOUS ASSAULTS AND THREATS, AND THE SERIOUSNESS OF CURRENT THREATS.
83. PLAINTIFF EXPRESSED THE LURKING DANGERS OF PLAINTIFF'S HEALTH, SAFETY AND LIFE IN UNIT I-4 AND THAT PLAINTIFF NEEDED PROTECTIVE CUSTODY,

## STATEMENT OF FACTS

84. MR. KASSEL REPLIED, 'I WORK AT A DIFFERENT FACILITY AND I CANNOT GET YOU PROTECTION, BUT I WILL VOICE YOUR CONCERNS WITH ADMINISTRATION.'
85. WHILE RETURNING FROM LUNCH, PLAINTIFF WAS PHYSICALLY BLIND-SIDED FROM BEHIND, WHICH RESULTED IN ANOTHER BROKEN JAW THAT NEEDED IMMEDIATE SURGERY AND TAKEN TO DWYNE WATERS HOSPITAL.
86. WHILE LEAVING THE FACILITY, A.D.W. MILLER, MET PLAINTIFF AT THE EXIT. HE WALKED PLAINTIFF TO THE TRANSPORT VAN, AND SAID, 'THINGS WILL BE WORSE WHEN YOU COME BACK, IF YOU DON'T STOP YOUR COMPLAINTS AND INVESTIGATIONS.'
87. THOSE SUPERVISORY OFFICIALS, DISPLAYED THEIR DELIBERATE INDIFFERENCE, UNWARRANTED BAD-FAITH, ANOMOSITY, ILL-WILL AND FREQUENTLY IMPLEMENTED A POLICY, CUSTOM AND POLICY TO PROTECT THEIR SUBORDINATE OFFICIALS.
88. THERE WAS NO INVESTIGATIONS CONDUCTED OR PERFORMED TO DETERMINE WHO THOSE PARTIES WAS WHO COMMITTED NONE OF THE ASSAULTS ON PLAINTIFF AS TO CONCEAL, CONDONE, PROTECT, OR PARTICIPATED IN OR ACQUIESCENCE IN AS TO CONSPIRE IN TOGETHERNESS TO HIDE THOSE MISCONDUCTS OF OFFICERS.
89. THE ONLY WAY THAT PLAINTIFF GOT ANY TYPE OF PROTECTION WAS TO PERSONALLY COMPLAIN TO MEDICAL PROFESSIONAL AT THE HOSPITAL WHICH VOICED THAT CONCERNS THAT PLAINTIFF WAS IN 'IMMINENT DANGER' OF RETALIATION AND ADDITIONAL ASSAULTS IF PLAINTIFF RETURNED BACK TO MICHIGAN REFORMATORY



STATEMENT OF FACTS

90. EVEN AFTER THAT VICIOUS ASSAULT, PLAINTIFF WAS STILL SCHEDULED TO BE RETURN BACK TO UNIT J-BLOCK, BUT DUE TO EXTREME FEAR OF OTHER ACTS OF VIOLENCE, PLAINTIFF EXPRESSED HIS DEEPEST CONCERNS TO HOSPITAL PERSONNEL, AND THEY MADE A MEDICAL RECOMMENDATION THAT PLAINTIFF BE TRANSFERRED TO A DIFFERENT FACILITY.
91. PLAINTIFF WAS THEN TRANSFERRED TO CARSON CITY WITH THE RECOMMENDATION FROM MEDICAL PERSONNEL TO PROTECT PLAINTIFF FROM FUTURE ASSAULTS, INJURIES, RETALIATION AND THREATS.
92. THOSE SUPERVISORY OFFICIALS WAS PLACED ON CONSTRUCTIVE AND REASONABLE DUE PROCESS NOTICE OF THE ONGOING AND CONTINUOUS THREATS, ASSAULTS, HARASSMENTS AND OFFICERS' UNPROFESSIONAL MISCONDUCT THROUGH THEIR PERSONAL INVOLVEMENTS WITH PLAINTIFF.
93. THEY WAS IN PERSONAL CONTACT WITH PLAINTIFF ON NUMEROUS OF OCCASIONS AND KNEW, OR SHOULD HAVE KNOWN FROM THE FIRST CIVIL RIGHTS COMPLAINT, CASE NUMBER 1:19-CV-00522, 42 U.S.C. § 1983 THAT PLAINTIFF'S HEALTH AND SAFETY WAS IN JEOPARDY.
94. THAT CONSTRUCTIVE AND REASONABLE NOTICE WAS COMPLETELY IGNORED BY WARDEN SKIPPER, LT. HENRY, CAPTAIN JOHN DOE, INSPECTORS, SIMMONS, BONN, MILLER, ARUS, SMITH, FRIAS, PITTMAN, SERGEANTS, STURN, WISE, JOYIT, CUNNINGHAM, JACKSON, BREELOVE, WHICH RESULTED IN A FLAQUENT, MALICIOUS AND DETRIMENTAL ABUSE OF DISCRETION ON THOSE OFFICIALS

## STATEMENT OF FACTS

95. PLAINTIFF REMEMBERED ANOTHER INCIDENT WHEN PLAINTIFF LEFT THE HOSPITAL AFTER THE FIRST TIME PLAINTIFF'S JAW WAS BROKE, PAROLED TO D.R.C, DETROIT REENTERED CENTER TO START M.D.CC, PROGRAM WHICH WAS REQUIRED FOR PAROLE,
96. PLAINTIFF WAS DISCHARGED FROM THE HOSPITAL AFTER THAT VICIOUS ATTACK AND PLATES WAS PLACED IN PLAINTIFF'S JAW AND SHOULD'VE BEEN THERE LONGER DUE TO THE SURGERY BUT WAS PRELEASED AND PREMATURELY AFTER THE SURGERY, TO START THE PROGRAMS,
97. PLAINTIFF SHOULD'VE BEEN HOSPITALIZED LONGER BECAUSE THE WIRES IN PLAINTIFF'S JAWS SHOULD HAD TAKEN EIGHT (8) WEEKS MANDATORY DUE TO THE EXTENSIVE SURGERY AND OPERATION,
98. PLAINTIFF WAS IN D.R.C AND CONFRONTED BY SEVERAL 'VICE-LORDS GANG MEMBERS' WHO THREATENED RETALIATION AND THEN PLAINTIFF WENT TO D.R.C.'S STAFF TO ASK FOR PROTECTIVE CUSTODY,
99. PLAINTIFF WAS PLACED IN PROTECTIVE CUSTODY FROM THREATS OF GANG MEMBERS WHO SAID, "IF YOU DON'T GET OFF THE YARD, NEXT TIME WE SEE YOU, YOU WILL BE SHOT [STABBED]" C/O BROWN AND C/O WILSON, HAD A 'GREEN LIGHT ON PLAINTIFF'S HEAD; EVERYWHERE PLAINTIFF WENT, "THE VICE-LORDS WILL BE ON YOUR ASS."
100. IT WOULD APPEARED THAT THOSE OFFICERS HAD DIRECT OR INDIRECT CONTACT WITH GANG MEMBERS TO RETALIATE AGAINST PLAINTIFF AND AT EACH FACILITY WHERE PLAINTIFF WAS TRANSFERRED

## STATEMENT OF FACTS

101. DUE TO THOSE THREATS OF RETALIATION, FORCED PLAINTIFF TO SEEK PROTECTIVE CUSTODY WHICH HAD AN 'ADVERSE ACTION' FROM BEING IN PROTECTIVE CUSTODY AND PLAINTIFF COULD NOT FINISH THE MANDATORY PROGRAM WHILE IN PROTECTIVE CUSTODY.
102. PLAINTIFF WAS TERMINATED FROM THE PROGRAM AND COULD NOT PARTICIPATE PERSONALLY IN THE PROGRAM, DUE TO PROTECTIVE CUSTODY STATUS, VIOLATED BY THE PAROLE BOARD WHICH GAVE PLAINTIFF A "TWELVE (12) MONTHS CONTINUOUS FOR FAILURE TO FINISH THE PROGRAM WHICH HAD A DETRIMENTAL AND ADVERSE EFFECT ON PLAINTIFF'S LIBERTY AND FREEDOM.
103. PLAINTIFF WAS A DEFENSELESS AND HELPLESS VICTIM DUE TO THE SURGERY AND MEDICATION, IN EXTRUICATING AND SEVERE PAIN AND SOMEWHAT SATED, AND IN TOTAL FEAR OF PERMANENT DAMAGES TO PLAINTIFF'S MAJOR BODILY ORGANS,



## STATEMENT OF CLAIMS

### COUNT I

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 to 103 AS STATED THEREIN, THAT DEFENDANTS LISTED IN THE CAPTION, SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECTED TO THE DEPRIVATION OF RIGHTS, IMMUNITIES AND PRIVILEGES GUARANTEED BY THE UNITED STATES AND MICHIGAN CONSTITUTIONS,

DEFENDANTS, BY HIDING UNDER THE COLOR OF LAW, EITHER BY THEIR ACTS OF OMISSION OR ACTS OF COMMISSION BREACHED THEIR FIDUCIARY DUTIES BY THEIR DERELICTION, MALFEASANCE, NONFEASANCE, MISFEASANCE AND NEGLIGENCE OF THEIR STATUTORY, LAWFULL AND LEGAL DUTY TO PROTECT PLAINTIFF, DEFENDANTS' BREACH OF THAT DUTY WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS.

### COUNT II

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 to 103 AS STATED THEREIN, THAT DEFENDANTS LISTED IN THE CAPTION, SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT, WANTON AND UNNECESSARY AFFLICTION OF PAIN AND SUFFERING IN DIRECT VIOLATION OF PLAINTIFF'S EIGHTH AMENDMENT,

DEFENDANTS' BREACH OF THEIR DUTIES WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS,



## STATEMENT OF CLAIMS

### COUNT III

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 + 6103 AS STATED THEREIN THAT DEFENDANTS, LT. HENRY WARREN SKIPPER, INSPECTOR MILLER, INSPECTOR SIMMONS, INSPECTOR BONN, SGT. STURN, SGT. WISE, SGT. SISSEL, SGT. CUNNINGHAM, SGT. JOYIT, SGT. JACKSON, A.RUS. SMITH, ARUS FRIAS, ARUS PITTMAN AND CAPTAIN JOHN DOE, WAS ALL PLACED ON REASONABLE NOTICE OF A WIDE SPREAD CONTINUOUS AND ONGOING PATTERN OF MISCONDUCT BY THEIR SUBORDINATE OFFICERS BUT FAILED TO CONTROL, SUPERVISE AND CORRECT THEIR OFFICERS,

THOSE DEFENDANTS KNEW OR SHOULD'VE KNOWN FROM PERSONAL COMMUNICATION, GRIEVANCES, AND PERSONAL INTERREACTION WITH PLAINTIFF OR THOSE ASSAULTS AND SEXUAL HARASSMENTS AND RETALIATION BY THEIR SUBORDINATE OFFICERS,

DEFENDANTS DISPLAYED THEIR DELIBERATE INDIFFERENCE, CARELESS DISREGARDS AND CARELESS ABANDONMENT OF THEIR LEGAL, LAWFUL AND STATUTORY DUTIES TO PROTECT PLAINTIFF,

DEFENDANTS' BREACH OF THAT DUTY WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS,

STATEMENT OF CLAIMSCOUNT IV

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 TO 103 AS STATED THEREIN THAT THOSE SUPERVISORY OFFICIALS, LISTED IN CAPTION, AND COUNT III SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECT TO A TORT OF ASSAULTS, INJURIES, BY THEIR (1) EXTREME AND OUTRAGEOUS CONDUCT, (2) THAT INTENTIONALLY AND RECKLESSLY; (3) CAUSED EMOTIONAL DISTRESS, BY THEIR FAILURE TO INTERVENE AND SUPERVISE AND CONTROL THEIR SUBORDINATE OFFICERS.

THOSE SUPERVISORY OFFICIALS GROSS NEGLIGENCE, MALEFASANCE, MISFEASANCE AND NONFEASANCE AND DERELICTION OF THEIR DUTIES VIOLATED PLAINTIFF'S STATE, CONSTITUTIONAL AND STATE CONSTITUTIONAL RIGHTS, U.S. CONST. ART 1, § VIII AND § XIV AMENDMENTS.

DEFENDANTS BREACH OF THEIR DUTIES WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS,

COUNT V

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 TO 103 AS STATED THEREIN THAT DEFENDANTS CONSPIRED IN CONCERT, PARTICIPATED IN, OR CONDONED THOSE ACTS OF THEIR SUBORDINATE OFFICERS 42 U.S.C. § 1985, AND § 1986; 42 U.S.C. § 1988; 42 U.S.C. § 1997e(c)(1)(A).

DEFENDANTS ARE LIABLE FOR THEIR FAILURE TO INTERVENE, SUPERVISE, CONTROL AND FOR DERELICTION OF THEIR DUTIES TO PROTECT PLAINTIFF FROM PHYSICAL ASSAULTS.

## STATEMENT OF CLAIMS

### COUNT V- CONTINUED

DEFENDANTS BREACH OF THEIR DUTIES OWED TO PLAINTIFF WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVIOUS LOSS.

### COUNT VI

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBER 1 TO 103 AS STATED THEREIN THAT DEFENDANTS LISTED IN CAPTION, THAT DEFENDANTS EITHER DIRECTLY OR INDIRECTLY, AFTER BEING PERSONALLY INFORMED OF THE ASSAULTS, HARASSMENTS AND INJURIES THROUGH GRIEVANCES, PERSONAL CONTACT, FAILED TO REMEDY THE WRONGS AND WAS GROSSLY NEGLIGENT IN SUPERVISING THEIR SUBORDINATE WHO COMMITTED THE WRONGFUL ACTS AND EXHIBITED DELIBERATE INDIFFERENCE BY FAILING TO ACT ON INFORMATION WHICH CREATED AN ONGOING, WIDE SPREAD POLICY TO PROTECT THEIR SUBORDINATE OFFICERS. THERE WAS A CASUAL CONNECTION THAT WAS SHOWN THROUGH PERSONAL INTERACTION WITH PLAINTIFF, OF OFFICERS' CUSTOMS AND POLICY TO PROTECT THEIR SUBORDINATE OFFICERS. THEIR DERELICTION OF THEIR DUTY WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVIOUS LOSS.

### COUNT VII

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 TO AS STATED THEREIN THAT WARDEN SKIPPER, INSPECTOR MILLER, INSPECTOR SIMONS

## STATEMENT OF CLAIMS

### COUNT VII-CONTINUED

INSPECTOR BONN, SGT. STURN, SGT. WISE, SGT. SISSEL, SGT. CUNNINGHAM, SGT. JOYIT, SGT. BREELOVE AND CAPTAIN JOHN DOE, ARUS SMITH, ARUS FRIAS AND ARUS, PITTMAN, LT. HENRY, KNOWINGLY ACQUIESCENCE IN THE UNCONSTITUTIONAL BEHAVIOR OF SUBORDINATES. AND THEY PERSISTENTLY VIOLATED A STATUTORY DUTY TO INQUIRE ABOUT SUCH BEHAVIORS OF OFFICERS BROWN, FOLTZ, GAUDIO, KELLY, WILSON, CHANEY, AND ARE PERSONALLY LIABLE AND RESPONSIBLE FOR PREVENTING FAILURE TO TRAIN AND SUPERVISE OF THE CONTINUED EXISTENCE OF THOSE OFFICERS' WHICH, THEMSELVES WAS SO INJURIOUS TO PLAINTIFF WHICH (1) CAUSED A BROKEN JAW, (2) A STABBING AND (3) ANOTHER VICIOUS ATTACK WHICH BROKE PLAINTIFF'S JAW THE SECOND TIME }

DEFENDANTS PERSUASIVE AND DEEP SEATED FAILURES AND UNWILLINGNESS TO RESPOND TO PLAINTIFF'S REQUESTS FOR PROTECTIVE CUSTODY WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS DUE TO DEFENDANTS CULPABLE FAILURES TO PROTECT PLAINTIFF,



## STATEMENT OF CLAIMS

### COUNT VIII

PLAINTIFF REALLEGS AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 TO 103 AS STATED THEREIN THAT DEFENDANTS, C/O BROWN, INSPECTOR SIMMONS, A.D.W. MILLER, C/O WILSON, C/O GLAUDIO, SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECTED TO THE DEPRIVATION OF RIGHTS, IMMUNITIES AND PRIVILEGES FOR EXERCISING PLAINTIFFS FIRST AMENDMENT RIGHTS OF ACCESS TO THE COURTS,

DEFENDANTS' EXTERNAL CUSTOMS, POLICIES, PROCEDURE TO PROTECT SUBORDINATE OFFICERS, TURNED A "BLIND EYE" AND "DEAF EARS" WITH THREATS OF RETALIATION AND HARASSMENTS, U.S. CONST. ART. § 1:

DEFENDANTS ACTS OF OMISSION AND ACTS OF COMMISSION, UNDER COLOR OF STATE LAW AND WITHIN THE CLOAK OF THEIR AUTHORITY BREACH THEIR FIDUCIARY DUTY DERELICTION, MALFEASANCE, MISFEASANCE AND MALFEASANCE OF THE STATUTORY DUTY,

DEFENDANTS' BREACH OF THEIR DUTIES WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVOUS LOSS.

## STATEMENT OF CLAIMS

### COUNT IX

PLAINTIFF REALLEGES AND INCORPORATES WITHIN BY REFERENCE NUMBERS 1 TO AS STATED THEREIN THAT DEFENDANTS LACK OF CARE, NEGLIGENCE AND LACK OF CONTROL OF THEIR SUBORDINATE OFFICERS WHO DEFENDANTS HAD A FIDUCIARY DUTY TO MANAGE, AND SUPERVISE, RES ISDA LOQUITUR BUT BY THEIR MALFEASANCE, NONFEASANCE AND MISFEASANCE AND DERELICTION OF THEIR STATUTORY, LEGAL AND LAWFUL DUTY, SUBJECTED OR CAUSED PLAINTIFF TO BE SUBJECTED TO AN INJURY.

DEFENDANTS, HIDING UNDER COLOR OF STATE LAW, BY THEIR ACTS OF OMISSIONS AND/OR ACTS OF COMMISSION, UNDER THE CLOAK OF THEIR LAWFUL AUTHORITY CAUSED THE DEPRIVATION OF RIGHTS, PRIVILEGES AND IMMUNITIES SECURED AND GUARANTEED BY THE UNITED STATES CONSTITUTION, U.S. CONST. ART. 1 § VIII

DEFENDANTS DISPLAYED DELIBERATE INDIFFERENCE, GROSS NEGLIGENCE BY THEIR FAILURE TO INTERVENE AND CORRECT THE ACTIONS OF THEIR SUBORDINATE OFFICERS AND BREACHED A DUTY OWED TO PLAINTIFF WHICH WAS THE PROXIMATE CAUSE OF PLAINTIFF SUFFERING A GRIEVIOUS LOSS.

## RELIEF REQUESTED

THEREFORE, PLAINTIFF REQUESTS THIS HONORABLE TO GRANT THE FOLLOWING RELIEF:

- A. ISSUE A DECLARATORY JUDGMENT STATING THAT,
1. THE PHYSICAL INJURIES SUSTAINED BY PLAINTIFF WAS CAUSED BY OFFICIALS' NEGLIGENCE OF DUTY TO PROTECT PLAINTIFF AND VIOLATED PLAINTIFF'S EIGHTH AMENDMENT
  2. DEFENDANTS, WARDEN SKIPPER, CAPTAIN JOHN DOE, LT. HENRY, INSPECTOR MILLER, INSPECTOR SIMMONS, SGT. STURN, SGT. WISE, SGT. SISSEY, SGT. CUNNINGHAM, SGT. BEELOVE, SGT. JOYIT, SGT. JACKSON, A.R.U.S. SMITH, A.R.U.S. FRIAS, ARUS PITTMAN AND INSPECTOR BONN FAILURE TO TAKE ACTION TO CURB THOSE PHYSICAL ASSAULTS AND VIOLATED PLAINTIFF'S EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION WHICH ALSO CONSTITUTE A VIOLATION OF STATE LAW,
- B. ISSUE AN INJUNCTION AGAINST DEFENDANTS TO
1. PROHIBIT PLAINTIFF RETURN TO MICHIGAN REFORMATORY THAT WILL EXPOSE PLAINTIFF TO ADDITIONAL RETALIATION AND IMMINENT DANGER
  2. PROHIBIT ANY FUTURE CONTACT WITH ANY OF THOSE DEFENDANTS IN THIS COMPLAINT.
  3. IMMEDIATELY ARRANGE FOR PLAINTIFF'S NEED FOR PHYSICAL THERAPY AND ANY MEDICAL TREATMENT TO PLAINTIFF'S BROKEN JAW,
  4. ARRANGE FOR FOLLOW-UP MEDICAL TREATMENT TO BE EVALUATED BY A MEDICAL PRACTITIONER WITH EXPERTISE IN THE TREATMENT AND RESTORATION AND FUNCTION OF BROKEN BONES AND JAW,

## RELIEF REQUESTED - 2 -

### C. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS,

1. \$ 500,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS, SKIPPER, HENRY, MILLER, SIMMONS, BONN, STURN, WISE, SISSEL, CUNNINGHAM, JOYIT, BREELOVE, JACKSON JOHN DOE, SMITH, FRIAS, PITTMAN, FOR THEIR DERELICTION, MALFEASANCE, MISFEASANCE, NONFEASANCE AND NEGLECT OF THEIR DUTIES
2. \$ 500,000.00 JOINTLY AND SEVERALLY, AGAINST THOSE DEFENDANTS AND CORRECTIONAL OFFICERS, BROWN, FOLTZ, GAUDIO, KELLY AND CHANEY FOR PAIN AND SUFFERING, WANTON AND UNNECESSARY AFFLICTION OF PAIN AND SUFFERING, MENTAL AND EMOTIONAL DISTRESS,
3. \$ 1,000,000.00 JOINTLY AND SEVERALLY AGAINST, FOR THE THREE PHYSICAL ASSAULTS, ALL THE ABOVE NAMED DEFENDANTS FOR THEIR FAILURE TO PROVIDE PROTECTION TO PLAINTIFF AND DISPLAYED DELIBERATE INDIFFERENCE TO NUMEROUS OF COMPLAINTS OF OFFICERS' MISCONDUCTS,

### D. AWARD PUNITIVE DAMAGES IN THE FOLLOWING;

1. \$ 100,000.00 AGAINST EACH OF THE ABOVE NAMED DEFENDANTS,
2. \$ 500,000.00 AGAINST DEFENDANTS, SKIPPER, HENRY, MILLER, SIMMONS, BONN, STURN, WISE, SISSEL, JOHN DOE, JOYIT, BREELOVE, JACKSON CUNNINGHAM, SMITH, FRIAS, PITTMAN FOR CONDONING, ACQUIESCENCE IN, AND CONCEALING AND FAILURE TO TRAIN, SUPERVISE AND TO CONTROL THEIR SUBORDINATE OFFICERS.



RELIEF REQUESTED-3-

E. GRANT ANY OTHER SUCH RELIEF THAT PLAINTIFF IS ENTITLED, INCLUDING, REASONABLE ATTORNEY FEES.

AFFIDAVIT OF LESTER BELL

PLAINTIFF, LESTER BELL, BEING DULY DISPOSED AND SWORN DECLARES UNDER THE PENALTY OF PERJURY THAT ALL OF THE ABOVE STATEMENTS OF FACTS ARE TRUE AND CORRECT TO THE BEST OF MY ABILITY, KNOWLEDGE AND BELIEF,

PLAINTIFF ALSO DECLARES THAT THOSE DOCUMENTS CONTAINED HEREIN ARE TRUE COPIES OF THEIR ORIGINALS.

RESPECTFULLY

*Lester Bell*

LESTER BELL #476602

BROOKS CORRECTIONAL FACILITY

2500 SO. SHERIDAN Rd

MUSKEGON, MICH 49444

*Lester Bell*

SUBSCRIBED AND

SWORN BEFORE ME

NOTARY PUBLIC.

Kyle Treptow  
Notary Public-State of Michigan  
Muskegon County  
My Commission Expires January 13, 2023

*K. Treptow*

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 ZIP 49444 **\$ 007.35<sup>0</sup>**  
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 0000358298 MAR 25 2019

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